

## **REMARKS**

### **I. Introduction**

Claims 1, 4, 6-17, and 51-54 are pending in the application. In the Office Action dated March 21, 2011, the Examiner rejected claims 4 and 6-17 under 35 U.S.C. § 101 as being directed to non-statutory subject matter, rejected claim 53 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement and being indefinite; and rejected claims 4 and 6-17 under 35 U.S.C. § 112, first paragraph, as being indefinite. Additionally, the Examiner rejected claims 1, 4, 6-9, 12, 14-17, and 51-54 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. No. 5,280,527 (“Gullman”) in view of U.S. Pat. No. 6,014,666 (“Helland”) and rejected claims 10, 11, and 13 under 35 U.S.C. § 103(a) as being unpatentable over Gullman in view of Helland and U.S. Pat. No. 5,805,719 (“Pare”).

In this Amendment, Applicants have amended claims 4 and 6-17 and cancelled claim 53.

### **II. Rejection of Claims 4 and 6-17 Under 35 U.S.C. §§ 101 and 112, First Paragraph**

In the Office Action, the Examiner rejected dependent claims 4 and 6-17 as being directed to non-statutory subject matter and as being indefinite because the preamble of claims 4 and 6-17 recites “the storage system” rather than “the removable storage device” as in claim 1. In this Amendment, Applicants have amended dependent claims 4 and 6-17 to recite “the removable storage device.”

### **III. Rejection of claims 1, 4, and 6-17 Under 35 U.S.C. § 103(a)**

Independent claim 1 generally recites a removable storage device comprising a flash memory, a biometric interface, and a processor. The “biometric interface for receiving, independently of the host device, a request to access the flash memory at the removable storage device” and the “processor for managing access to the flash memory, independently of the host device, based on a comparison of the request to the at least one permission, the comparison being independent, requiring no management

by an operating system of the host device, such that if the at least one permission includes a particular access type that matches the access requested in the request, the processor provides such access to the flash memory, and alternatively if the at least one permission does not include a particular access type that matches the access requested in the request, the processor denies such access to the flash memory.” Applicants maintain that the proposed combination of Gullman, Helland, and Pare fail to teach these elements.

Gullman is directed to a biometric token for authorizing access to a host system. Generally, Gullman teaches a security apparatus that receives a biometric input from a user and compares the received biometric input to a stored template. The security apparatus generates a token based on a determined correlation between the biometric input and the stored template, and provides the token to the user. The user then provides the generated token to a host system or the biometric security mechanism provides the generated token to a host system. The host system then determines whether to grant the user access to the host system based on the received token.

In the Office Action, the Examiner asserts that in one of the embodiments of the Gullman system, the biometric device is an integrated circuit including a processing unit, memory, and a biometric sensor. Applicants submit that even in the embodiment cited by the Examiner, the biometric device is not managing access to the host system. The biometric device generates a token that is provided to the host system. The host system then determines whether to grant the user access to the host system based on the received token.

The cited portions of Gullman do not teach a removable storage device comprising a biometric interface for receiving, independently of the host device, a request to access a flash memory at the removable storage device. Gullman also does not teach a removable storage device comprising a processor for managing access to the flash memory, independently of the host device, based on a comparison of the request to the at least one permission, the comparison being independent, requiring no management by an operating system of the host device, such that if the at least one permission includes a particular access type that matches the access requested in the request, the processor provides such access to the flash memory, and alternatively if

the at least one permission does not include a particular access type that matches the access requested in the request, the processor denies such access to the flash memory. In Gullman, it is the ***host system*** that determines whether to grant a user access to the resources of the host system based on a received token rather than a processor of a ***removable storage device*** that independently manages an ability of a user access flash memory, requiring no management by an operating system of the host device as in claim 1.

Helland is directed to declarative and programmatic access control of component-based server application using roles. In the Office Action, the Examiner cites col. 5, line 55 – col. 6, line 5 and col. 6, lines 13-27 of Helland for teaching a universal serial bus, a USB controller, a flash memory, and a flash memory controller. Col. 5, line 55 – Col. 6, line 5 of Helland teach that a server may include components such as a hard drive, magnetic disk drive, optical drive, flash memory cards, and/or Bernoulli cartridges that provide storage for the server. Col. 6, lines 13-27 of Helland teaches that a user may enter commands and other information into a server through devices such as a keyboard and mouse that communicate with the server over a universal serial bus.

As with Gullman, the cited portions of Helland fail to teach a removable storage device comprising a biometric interface for receiving, independently of the host device, a request to access a flash memory at the removable storage device. The cited portions of Helland additionally fail to teach a removable storage device comprising a processor for managing access to the flash memory, independently of the host device, based on a comparison of the request to the at least one permission, the comparison being independent, requiring no management by an operating system of the host device, such that if the at least one permission includes a particular access type that matches the access requested in the request, the processor provides such access to the flash memory, and alternatively if the at least one permission does not include a particular access type that matches the access requested in the request, the processor denies such access to the flash memory. Accordingly, in neither the cited portions of Gullman nor the cited portions of Helland is a processor of a removable storage device

independently determining whether to grant a user access to flash memory of the storage device without management from a host device.

Gullman and Helland, alone or in combination, fail to teach a removable storage device comprising “a biometric interface for receiving, independently of the host device, a request to access the flash memory at the removable storage device.” Similarly, Gullman and Helland, alone or in combination, fail to teach a removable storage device comprising “a processor for managing access to the flash memory, independently of the host device, based on a comparision of the request to the at least one permission, the comparison being independent, requiring no management by an operating system of the host device, such that if the at least one permission includes a particular access type that matches the access requested in the request, the processor provides such access to the flash memory, and alternatively if the at least one permission does not include a particular access type that matches the access requested in the request, the processor denies such access to the flash memory.” Pare is directed to tokenless identification of individuals and also does not teach these elements. For at least this reason, independent claim 1, and any claim that depends on claim 1, is patentable over the combinations of Gullman, Helland, and Pare contemplated by the Examiner.

#### **IV. Rejection of Claims 51 and 52 Under 35 U.S.C. § 103(a)**

Independent claim 51 generally recites “managing access to the flash memory with a processor of the access control device, independent of the host device, based on a comparison of the request to at least one permission for determining access to the flash memory, the comparison being independent of, and requiring no management by, an operating system of the host device.” As explained above in conjunction with claim 1, the proposed combination of Gullman and Helland fail to teach this element. In Gullman, it is the **host system** that determines whether to grant a user access to the resources of the host system based on a received token rather than a processor of an **access control device** that independently manages an ability of a user access flash memory, requiring no management by an operating system of the host device as in claim 51. For at least this reason, independent claim 51, and any claim that depends on

claim 51, is patentable over the combination of Gullman and Helland as contemplated by the Examiner.

#### V. Rejection of Claim 54 Under 35 U.S.C. § 103(a)

Independent claim 54 generally recites an access control device comprising “a processor for managing access to the flash memory independent of the host device based on a comparison of the request to at least one permission, the comparison being independent of, and requiring no management by an operating system of the host device, such that if the at least one permission includes a particular access type that matches the access requested in the request, the processor provides such access to the flash memory, and alternatively if the at least one permission does not include a particular access type that matches the access requested in the request, the processor denies such access to the flash memory.” As explained above in conjunction with claim 1, the proposed combination of Gullman and Helland fail to teach this element. In Gullman, it is the **host system** that determines whether to grant a user access to the resources of the host system based on a received token rather than a processor of an **access control device** that independently manages an ability of a user access flash memory, requiring no management by an operating system of the host device as in claim 54. For at least this reason, independent claim 54 is patentable over the combination of Gullman and Helland as contemplated by the Examiner.

## **VI. Conclusion**

In view of the amendments to the claims and the foregoing remarks, Applicants submit that the pending claims are in condition for allowance. Reconsideration is therefore respectfully requested. If there are any questions concerning this Response, the Examiner is asked to phone the undersigned attorney at (312) 321-4200.

Respectfully submitted,

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